

ORDINANCE XXX

AN ORDINANCE TO REPEAL CHAPTER 340 SECTIONS 145 B. (5) (c), (d) AND (e) AND THE RELATED DEFINITION OF ST. MICHAELS BUSINESS IMPROVEMENT FUND IN SECTION 145 A. TO ELIMINATE PAYMENTS TO SUCH FUND IN LIEU OF REQUIRED ON-SITE PARKING SPACES.

WHEREAS, the Town has not conducted a comprehensive study of the availability of on-site and off-site parking to serve the commercial establishments in the Town since 2011; and

WHEREAS, the Planning Commission has conducted a preliminary study of available public parking in the Town; and

WHEREAS, additional study is necessary to determine the extent to which there is a deficiency in available on-site and public parking in the Town; and

WHEREAS, Chapter 340, Section 145 B. (c) and (d) permit payment into the St. Michaels Business Improvement Fund in lieu of providing additional on-site parking required by enlargements, expansions, replacements or changes in use of properties in Town zoning districts CC, MC, SLC and HR; and

WHEREAS, payments in lieu of required parking are allowed without reference to the actual parking needs of the Town and are hereby declared not to be in the best interests of the Town unless and until a comprehensive parking study establishes a public policy justification for such payments and the Town acts by ordinance to establish such payments.

THEREFORE, BE IT RESOLVED THAT Sections 145 A and 145 B of Chapter 340 are hereby amended as follows (language to be deleted shown in strikethrough):

§ 340-145Definitions.

A.

Definitions and general principles. In this chapter, the following terms have the meanings indicated:

CREDITED PARKING SPACES

The total number of on-site parking spaces that a lot is credited with having. Credited parking spaces for a lot in the CC, MC, SLC, and HR Districts consist of existing on-site parking spaces.

ON-SITE PARKING REQUIREMENT OF A LOT

The minimum number of credited parking spaces that a lot must have, based on the structure(s) and use(s) located on the lot, according to the requirements of § **340-146**.

ON-SITE PARKING SPACE

A parking space located on the lot which is existing and which is constructed and maintained in conformity with the specifications of § **340-153**.

~~ST. MICHAELS BUSINESS IMPROVEMENT FUND~~

~~A fund created by The Town Commissioners for the purposes as stated below. Monies collected and deposited within this fund are generated by commercial businesses when the expansion of such businesses results in the loss of on-site parking spaces. The funds shall be used for:~~

~~(1)-~~

~~The purchase of land for public parking lots;~~

~~(2)-~~

~~The construction of public on-site parking lots;~~

~~(3)-~~

~~The repair and maintenance of public parking lots; or~~

~~(4)-~~

~~The purchase and/or placement of amenities such as benches, trash receptacles, signage relating to parking and rest rooms in such public parking lots.~~

~~(5)-~~

~~Funding parking management studies.~~

~~(6)-~~

~~The owner of a lot is the person responsible for meeting the lot's on-site parking requirement.~~

B.

Imposition and fulfillment of on-site parking requirements.

(1)

Enlargements, expansions, and replacements.

(a)

Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged, expanded, or replaced, resulting in additional dwelling units, floor area, seating capacity, employees, or another unit of measurement used for establishing off-street parking requirements.

(b)

Additional parking spaces are required only to serve the parking demand resulting from the added dwelling units, floor area, seating capacity, employees, or another unit of measurement used for establishing off-street parking requirements. In other words, there is no requirement to address a lawful, existing parking deficit.

(2)

Change of use. When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this chapter. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this chapter, regardless of whether such spaces are provided. A new use is not required to address a lawful, existing parking deficit.

(3)

Existing parking and loading areas. Except as provided in Subsection **B(5)**, existing off-street parking and loading areas may not be eliminated, reduced, or modified below the minimum requirements of this article.

(4)

The following regulations shall apply to the A, R-1, R-2, R-3, WD, GC, MC, MM, RG, and PF Districts:

(a)

No lot shall be developed, nor any structure thereon erected, structurally altered, or enlarged, nor any use thereon established, altered, added, expanded, intensified, or otherwise changed, unless the on-site parking requirement of the lot, as so developed and used, is met.

(b)

On-site parking spaces shall meet the parking requirement of a lot. For lots in the R-1 or R-2 Districts, if the configuration of a nonconforming lot prohibits the construction of a driveway, on-street parking shall be permissible.

(c)

In the case of a lot whose on-site parking is not constructed in conformity with the specifications of § **340-153**, and it is the owner's/tenant's desire to expand the footprint of the structure, or encompass an area outside the building; the

applicant shall be responsible for furnishing a site plan showing the footprint of the structure and the location and number of parking spaces which could legally be established on the lot. The site plan shall also show any proposed expansion or utilization of outdoor spaces. The proposed expansion shall not result in the encroachment on those parking spaces, as shown on the site plan.

(5)

The following regulations shall apply to the CC, MC, SLC, and HR Districts:

(a)

New construction. No lot shall be developed, nor any structure erected thereon, unless the on-site parking requirement of the lot, as so developed and used, is met.

(b)

Preexisting structures. Any commercial use permitted by this chapter in the applicable zoning district may be continued, altered, changed, established, expanded, decreased, and/or re-expanded without meeting the current on-site parking requirements if the Planning Commission determines that the change does not significantly increase parking demand for the use.

~~(c)~~

~~Expansion of structures in the CC and HR Districts. No structure on a lot shall be altered to increase its footprint resulting in the loss of existing on-site parking spaces unless the owner of the property enters into an agreement with the Town to pay a fee into the St. Michaels Business Improvement Fund in the amount as set forth in the Fee Schedule^[1] as set by Town Commissioners.~~

~~[1]~~

~~*Editor's Note: The Fee Schedule is on file in the Town offices.*~~

~~(d)~~

~~Expansion of use in the CC and HR Districts. No use shall be expanded, intensified, or otherwise changed which results in the loss of existing on-site parking spaces unless the owner of the property enters into an agreement with the Town to pay a fee into the St. Michaels Business Improvement Fund in the amount as set forth in the Fee Schedule^[2] as set by the Town Commissioners.~~

~~[2]~~

~~*Editor's Note: The Fee Schedule is on file in the Town offices.*~~

~~(e)~~

~~Payment into the St. Michaels Business Improvement Fund. The loss of on-site parking spaces results in an additional burden to the Town to provide public~~

~~parking areas. Monies received from the payment of this fee shall be placed into an account used specifically for the construction, maintenance, and upgrades to public parking lots and parking management studies. Prior to the issuance of a building permit or zoning certificate, the owner of the property shall enter into an agreement setting forth the amount of the fee and repayment schedule as set out in the administrative fee as adopted by the Town Commissioners.~~